

EXHIBIT C

Abigail E. Krueger

From: Pham, Christopher <CPham@fredlaw.com>
Sent: Tuesday, March 12, 2019 11:51 AM
To: Allen Hinderaker; Heather Kliebenstein; Michael Erbele; Joe Dubis, Ph.D.
Cc: '15081.0008USZA.active@ef.merchantgould.com'; Janus, Leah; Fleming, Terrence; Smalley-Fleming, Sandra
Subject: RE: Discovery Deficiencies

CAUTION - External.

Al,

We are working as quickly as we can to supplement our response to Requests 89-90, namely, to include information for (1) Profitability Indicator; (2) ERCIS Claims; (3) EZER; and (4) ADAPT. We will produce the updated information immediately upon receipt.

Thank you,

Christopher D. Pham
Fredrikson & Byron, P.A.
612.492.7388
cpham@fredlaw.com
200 South Sixth Street
Suite 4000
Minneapolis, MN 55402-1425

From: Allen Hinderaker [mailto:AHinderaker@merchantgould.com]
Sent: Saturday, March 09, 2019 9:37 AM
To: Pham, Christopher; Heather Kliebenstein; Michael Erbele; Joe Dubis, Ph.D.
Cc: '15081.0008USZA.active@ef.merchantgould.com'; Janus, Leah; Fleming, Terrence; Smalley-Fleming, Sandra
Subject: RE: Discovery Deficiencies

Regarding RFP 89-90: Your clients' most recent supplements to ROG 16-20 state the following applications use Blaze Advisor: (1) Profitability Indicator; (2) ERCIS Claims; (3) EZER; (4) and ADAPT (both in EUZ and APZ). Your response to our request misses the mark. We ask you to complete FED017886 for the Blaze Advisor applications you concede use Blaze Advisor.

Given the few remaining days in the fact discovery period, please provide the complete response to RFP 89-90 by Tuesday.

From: Pham, Christopher <CPham@fredlaw.com>
Sent: Friday, March 8, 2019 5:09 PM
To: Heather Kliebenstein <HKliebenstein@merchantgould.com>; Allen Hinderaker <AHinderaker@merchantgould.com>; Michael Erbele <MErbele@MerchantGould.com>; Joe Dubis, Ph.D. <JDubis@MerchantGould.com>
Cc: '15081.0008USZA.active@ef.merchantgould.com' <15081.0008usza.active@ef.merchantgould.com>; Janus, Leah <LJanus@fredlaw.com>; Fleming, Terrence <TFleming@fredlaw.com>; Smalley-Fleming, Sandra <SSmalleyFleming@fredlaw.com>
Subject: RE: Discovery Deficiencies

CAUTION - External.

Counsel,

Please see our responses below in **red**.

Thanks,

Christopher D. Pham
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Minneapolis, MN 55402-1425

From: Heather Kliebenstein [<mailto:HKliebenstein@merchantgould.com>]
Sent: Wednesday, March 06, 2019 10:46 PM
To: Pham, Christopher; Janus, Leah; Fleming, Terrence
Cc: Allen Hinderaker; '15081.0008USZA.active@ef.merchantgould.com'; Joe Dubis, Ph.D.; Michael Erbele
Subject: Discovery Deficiencies

Counsel, in follow up to our conference today, we write regarding additional discovery deficiencies outlined below:

- The most recent supplemental responses to ROGS 16-20 are not verified. Please promptly provide signed verifications for these responses. **We will provide the verification pages as soon as we receive them from each individual.**
- Also, the most recent supplemental responses to ROGS 16-20 do not report gross written premium quarterly, as requested. Please promptly advise whether these responses will be further supplemented to report quarterly. **This issue has been discussed with the Court on several occasions. Judge Schultz asked whether annual or quarterly information was preferred, and FICO's counsel advised that annual information was preferred. Judge Schultz also asked FICO's counsel what the difference was in receiving annual or quarterly financial information, and FICO's counsel could not articulate why it needed both annual and quarterly figures. Accordingly, Federal obtained the annual gross written premium information, which it believes is sufficient, and therefore, Federal will not be supplementing these responses with quarterly information.**
- The response to RFPs 89-90 is incomplete. Absent from the document you produced, FED017886, is Profitability Indicator, CIS Claims, Adapt as used in APZ, Adapt as used in EUZ, and EZER as used in EUZ. We acknowledge your contention that other applications do not use Blaze Advisor® software. Please complete the document providing the requested information by the end of the week. **It appears that FICO is conflating Requests 89-90 with ROGs 16-20. Requests 89-90 specifically relate "to each application that uses or used Blaze Advisor® software..." As you point out, Federal contends that certain applications did not use Blaze Advisor®, and therefore, only the information for the applications that actually use or used Blaze Advisor®, from Federal's perspective, was provided in response to Requests 89-90.**

With respect to ROGs 16-20, the Court specifically ordered Federal to provide gross written premium information to FICO, including for applications in which there is a dispute as to whether such applications use or used Blaze Advisor®. But that is not the case with respect to Requests 89-90. To be clear, no issues relating to Requests 89-90 have been presented before the Court. Accordingly, Federal is under no obligation to provide information in response to Requests 89-90 relating to applications in which Federal does not believe uses or used Blaze Advisor®.

- The documents just produced in response to RFP 30-32 do not (with perhaps one exception) include 2019 data. We will request updated information prior to trial. **Federal will provide 2019 data before trial.**
- You have not replied to our letter regarding the clawed back documents. We would like to schedule our meet and confer on that subject this week. I am available tomorrow between 1:30-4. **We will send a response letter by end of day on Monday, March 11.**

Best,

Heather

Heather Kliebenstein

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